

ORIGINAL

INTERVENTION

BEFORE THE ARIZONA CORPORATION COMMISSION



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COMMISSIONERS

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2009 JUL 16 P 3: 4 Arizona Corporation Commission

AZ CORP COMMISSION
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JUL 16 2009

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MM

IN THE MATTER OF THE
APPLICATION OF SOLARCITY CORP.
FOR A DETERMINATION THAT WHEN
IT PROVIDES SOLAR SERVICE TO
ARIZONA SCHOOLS, GOVERNMENTS,
AND NON-PROFIT ENTITIES IT IS
NOT ACTING AS A PUBLIC SERVICE
CORPORATION PURSUANT TO ART.
15, SECTION 2 OF THE ARIZONA
CONSTITUTION

DOCKET NO. E-20690A-09-0346

**NAVOPACHE ELECTRIC
COOPERATIVE'S APPLICATION TO
INTERVENE IN PROCEEDING**

Navopache Electric Cooperative, Inc. ("Navopache") by and through
undersigned counsel, and pursuant to A.A.C. R14-3-105, hereby moves the Arizona
Corporation Commission ("Commission") for an order allowing Navopache to intervene in the
above-captioned proceeding. In support of their motion, Navopache and Navopache state as
follows:

1. Navopache is a public service corporation holding a certificate of convenience
and necessity to provide electric service from the Arizona Corporation Commission pursuant
to A.R.S. § 40-281 *et. seq.*

2. In this Docket, SolarCity has applied for a declaratory order that providers of
certain solar service agreements would not be deemed to be public service corporations.

3. Navopache is affected directly and substantially by the outcome of SolarCity's
Application because members of SolarCity could seek solar service agreements with their

1 customers to serve electricity to such customers in their certificated areas and which require
2 interconnection with Navopache electric systems. Additionally, these customers may seek
3 incentives under the Renewable Energy Standard Rules, pursuant to R14-2-1801, *et seq.*

4 4. The granting of intervenor status to Navopache will not delay this proceeding or
5 cause the issues to be unduly broadened, nor will it unduly prejudice SolarCity or any other
6 interested parties. Navopache supports solar energy and has in the past as indicated by its
7 record.

8 5. Intervenor requests that a copy of all communications in connection with the
9 above-captioned proceedings be directed to:

10 Michael A. Curtis
11 William P. Sullivan
12 Larry K. Udall
13 Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
14 501 East Thomas Road
15 Phoenix, Arizona 85012-3205
16 mcurtis401@aol.com
17 wsullivan@cgsuslaw.com
18 ludall@cgsuslaw.com

19 RESPECTFULLY SUBMITTED this 16 day of July, 2009.

20 CURTIS, GOODWIN, SULLIVAN,
21 UDALL & SCHWAB, P.L.C.

22 By: 

23 Michael A. Curtis
24 William P. Sullivan
25 Larry K. Udall
501 East Thomas Road
Phoenix, Arizona 85012-3205
Attorneys for Navopache Electric
Cooperative, Inc.

1 PROOF OF AND CERTIFICATE OF MAILING

2 I hereby certify that on this 16th day of July, 2009, I caused the foregoing
3 document to be served on the Arizona Corporation Commission by delivering the original and
4 thirteen (13) copies of the above to:

5 Docket Control
6 Arizona Corporation Commission
7 1200 West Washington
8 Phoenix, Arizona 85007

9 COPIES of the foregoing hand delivered/
10 mailed this 16th day of July, 2009 to:

11 Teena Wolfe
12 Administrative Law Judge
13 Arizona Corporation Commission
14 1200 West Washington
15 Phoenix, Arizona 85007

16 Janice Alward, Chief Counsel
17 Legal Division
18 Arizona Corporation Commission
19 1200 West Washington
20 Phoenix, Arizona 85007

21 Ernest G. Johnson, Director
22 Utilities Division
23 Arizona Corporation Commission
24 1200 West Washington
25 Phoenix, Arizona 85007

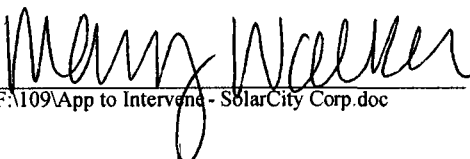
Jordan R. Rose
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6613 North Scottsdale Road, Suite 200
Scottsdale, Arizona 85250

1 Daniel Pozefsky
2 Residential Utility Consumer Office
3 1110 West Washington Street, Suite 220
4 Phoenix Arizona 85007

5 Deborah R. Scott
6 Linda J. Benally
7 Pinnacle West Capital Corporation
8 400 North 5th Street, MS 8695
9 Phoenix, Arizona 85004

10 Kenneth C. Sundlof, Jr.
11 Jennings, Strouss & Salmon, P.L.C.
12 201 E. Washington Street, 11th Floor
13 Phoenix, AZ 85004-2385

14 Kelly J. Barr
15 Salt River Project Agricultural
16 Improvement & Power District
17 Regulatory Affairs & Contracts, PAB 221
18 P.O. Box 52025
19 Phoenix, AZ 85072-2025

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21 F:\109\App to Intervene - SolarCity Corp.doc